IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 79 of 2007

IN

CHAMBER SUMMONS NO.320 OF 2006

IN

EXECUTION APPLICATION NO.120 OF 1999

IN

SUIT NO.2830 OF 1991

Isabel Wille Pimenta & ors. .. Appellants

versus

M/s.Mohammed Haji Gafoor &

Brothers .. Respondent no.1

(Orig.Defendant No.1.)

And

Mohad Irshad Idris Qureshi .. Respondent no.2

(Orig. Applicant)

...

Mr.Shailesh Shah i/b M/s.Pandya & Poonawalla for the appellant.

Mr.Mohammed Irshad Qureshi respondent no.2 in person present.

CORAM : R.M.S. KHANDEPARKAR
AND D.G.KARNIK, JJ
DATED : 2nd April 2007.

P.C.:

1. Heard learned advocate for the appellant.

2. The respondent present in person prays for time. On the earlier occasion, the respondent had appeared personally and asked for time one week's time which was granted. Request for further time on behalf of the respondent is therefore rejected.

3. On oral motion made by the advocate for the appellant, appeal is allowed to be withdrawn and stands disposed of. Liberty to the appellant to take out necessary proceedings for necessary leave in terms of Order 21 Rule 50(2) of the Code of Civil Procedure.

4. If such application is filed within a period of three weeks from today, the same is to be dealt with by the learned Single Judge in accordance with

the provisions of law without being influenced in any manner by any of the observations and rulings in the impugned order. The impugned order shall stand stayed and enforcement of the impugned order shall be subject to the order to be passed in the proceedings, as above, to be taken out by the appellant.

p 5. With these observations, the appeal stands disposed of.

(R.M.S. KHANDEPARKAR, J)

(D.G. KARNIK, J)